

## Mission Statement

To protect and preserve ancestral remains, sacred  
lands and sacred objects under the Native  
American and Graves Protection Act  
(NAGPRA) for today and future generations.



## Member Tribes

Barona Canyon Emlapungwa Inga Jomil  
La Posta Mansuetia Mesa Grande  
San Pascual Santa Ysabel Sycuan Viejas  
Steve Bonagosa, Spokesman

# Kumeyaay Cultural Repatriation Committee

June 2, 2010

President Dan McMillan  
Padre Dam Municipal Water District  
Board of Directors  
P.O. Box 719003  
Santee, CA 92072

Dear President McMillan:

I am writing to correct several false statements made by Padre Dam representatives that have recently come to our attention, including through public media as the San Diego Union Tribune.

First, in the most recent submission to the Native American Heritage Commission, and in a letter dated May 21, 2010 (to Dave Singleton), your attorney states that the delegation of Viejas as the MLD for the Ridge Hill Project was the result of a "disagreement" between KCRC and Viejas. This is a false statement. There has never been a disagreement between KCRC and Viejas. The designation resulted from a request by Viejas, who identified themselves as those most likely to be culturally affiliated with those who had been, and are, buried at the site. KCRC agreed that in light of Viejas' belief—and misrepresentations by Padre Dam (discussed below)—that Viejas should be designated MLD.

Secondly, Padre Dam repeatedly relies on an alleged "agreement" between KCRC and Padre Dam regarding mitigation of tribal cultural resource impacts and construction on the site. KCRC delegated its authority to Viejas as MLD and therefore Viejas is considered the decision-making representative relating to the tribal cultural resources at this site. KCRC defers any decisions relating to tribal cultural resources at the project site to Viejas. KCRC encourages Padre to make every effort to come to a resolution relating to this project site and to the treatment of any other human remains, grave goods, or other associated objects.

Thirdly, Padre Dam repeatedly has misconstrued the nature of the prayer held at the project site: this was not a "blessing" of the project or the District providing the District with permission to move forward with the project and desecrating a burial and ceremonial site. Instead, this was a prayer asking our ancestors for forgiveness on our behalf for not being able to stop the disturbance of buried ancestors in this day and time.

Finally, in the time that has elapsed since our last meeting with Padre Dam, more information has been revealed to KCRC about the nature of the discoveries at the current project site. We believe that Padre Dam at its meeting with KCRC on September 9, 2009 deliberately provided to KCRC incomplete and misleading information about the project to further its purpose, including:

1. representing that the property was private land, not public land;
2. representing that only 14 bone fragments were found—and not indicating that those fragments represented between 3 and 8 different individuals and that the unidentified bone could indicate additional individuals;
3. failure to indicate the unusually high concentration of pottery sherds at the site, which indicate to Kumeyaay peoples that this is a cremation and burial site; and
4. failure to share with KCRC that there were at least two alternative on-site designs, and at least two off-site alternative locations for the project;
5. failure to tell us the whole property would be torn up.

KCRC did not have all the relevant information, and therefore could not have made a fully informed recommendation about mitigation of tribal cultural resources impacts at the site. If the full extent of the human remains, grave goods, and other associated artifacts had been revealed to us in a timely manner, KCRC would have recommended avoidance of the project site altogether. In fact KCRC's letter to the District clearly stated, "It is KCRC intention to preserve as much of this site as possible." Even during our discussions with Padre Dam several delegates warned that there was more to this site, and voiced their opinions that the project should be moved. Any shame is not on KCRC or Viejas, but on the District for how it selectively presented the information to us and how it continues to downplay the impacts to others after being told what this place means to us.

Despite Padre Dam's statements to the contrary, KCRC never gave Padre Dam permission to destroy the site as they have done. In fact, delegates were shocked when they did a site visit in December 2009 at how the site had been treated and impacted. Any mitigation recommendations were made by KCRC if Padre could not avoid the current site and preserve as much of the site as possible. To date, Padre has never provided any information that that avoidance of the site was not an option.

KCRC understands that this project is important. However, Padre Dam, as a public agency, is required to follow all applicable law when carrying out a project to benefit the public. KCRC was misled. We urge you to continue negotiations with Viejas, the current MLD, to amicably resolve this issue, including potential recommendations on how to appropriately treat the property and how it should be monitored, if any project work continues, and KCRC urges the District to remove this project to an alternative site.

KCRC has lost trust in the District. It is our hope that the District will in the future provide KCRC with full and accurate information, describing and analyzing the resources in a way that is meaningful to local tribal people, not just archaeologists. We also hope the District will adopt policies and procedures so that the destruction of our burial grounds and ceremonial areas can be avoided on future projects.

Sincerely,



Steve Banegas, Spokesman  
Kumeyaay Cultural Repatriation Committee

cc: Larry Myers, NAHC  
Chairman Bobby Barrett, Viejas